



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,140	02/14/2002	Paul Durrant	5681-10800	6877
7590	12/14/2005		EXAMINER	
B. Noel Kivlin Conley, Rose, & Tayon, P.C. P.O. Box 398 Austin, TX 78767			DUNCAN, MARC M	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/075,140	DURRANT ET AL.
	Examiner	Art Unit
	Marc Duncan	2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 February 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

FINAL REJECTION

Status of the Claims

Claims 18-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Canady et al. (6,385,665).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Canady et al. (6,385,665).

Regarding claim 18:

Canady teaches a processor in Fig. 2 – the application cards, unit controllers and system managers all comprise processors.

Canady teaches a memory coupled to the processor, wherein the memory comprises program instructions configured to implement (col. 4 lines 21-32 – the cards and controllers each contain software, which therefore necessitates a memory):

a plurality of device drivers (col. 4 lines 21-32 and lines 40-49 – the software allows communication and management with the various devices, which therefore makes the software equivalent to a device driver. The software on the system managers represent one plurality, the software on the unit controllers represent another plurality and the software on the application cards represent a third plurality of device drivers), each operable to:

monitor an operational status of one of a plurality of devices (col. 4 line 62-col. 5 line 28 and col. 6 lines 62-67), wherein to monitor the operational status the device driver is configured to generate environment data representative of at least one parameter value of at least one sensor associated with the device (col. 5 lines 36-42 and col. 6 lines 62-67); and

consequent upon a change in the operational status of the monitored device (col. 4 line 62-col. 5 line 28 and col. 6 lines 62-67 – the method is performed in response to a fault occurring), to generate fault report data (col. 4 line 62-col. 5 line 28 – fault reports are generated) indicating whether the change of operational status of the first device was caused internally within the monitored device (col. 5 lines 18-20) or externally by another device connected to the monitored device (col. 5 lines 21-28).

Regarding claim 19:

Canady teaches wherein the fault report data includes an indication of an operational status of the monitored device in col. 5 lines 36-42.

Regarding claim 20:

Canady teaches wherein, if the fault report data indicates that the change of operational status of the monitored device was caused externally (col. 5 lines 21-28), the device driver is operable to generate fault direction information indicative of a connection from which the external fault is perceived (col. 5 lines 21-28 and lines 36-42 – the fault report data indicates the faulty path causing the error).

Regarding claim 21:

Canady teaches wherein the operational status of the monitored device is one of: up, indicating no fault (col. 4 lines 60-62), degraded, indicating that the monitored device is still operational but with impaired performance (col. 5 lines 23-24 – parity errors and CRC errors indicate path faults while the path is still operational), or down, indicating that the monitored device is not operational (col. 5 lines 18-19).

Regarding claim 22:

Canady teaches wherein the operational status the monitored device is determined from at least one of:

a time to respond to a command (col. 4 line 60-col. 5 line 3 and col. 5 lines 19-20), an amount of data communicated via an I/O bus, an amount of data processed by the monitored device, whether information is being correctly processed (col. 5 lines 23-24), or from an error interrupt signal generated by the monitored device (col. 6 lines 62-67).

Regarding claim 23:

Canady teaches wherein the program instructions are further configured to implement a fault response process operable to analyze generated fault report data generated by one or more of the plurality of device drivers to determine a faulty one of the plurality of devices (col. 5 lines 33-35).

Regarding claim 24:

Canady teaches wherein each of the plurality of device drivers generates the operational status information from at least one of:

a number of memory accesses performed, a time taken to respond to a command (col. 4 line 60-col. 5 line 3 and col. 5 lines 19-20), and an amount of data processed.

Regarding claim 25:

Canady teaches a method comprising:

monitoring an operational status of each of a plurality of devices (col. 4 line 62-col. 5 line 28 and col. 6 lines 62-67), wherein said monitoring comprises generating environment data representative of at least one parameter value of at least one sensor associated with at least one of the monitored devices (col. 5 lines 36-42 and col. 6 lines 62-67. The fault report contains environment data including error priority, fault detector identification, the component where the failed device resides, etc);

for each monitored device:
consequent upon a change in the operational status of the monitored device (col. 4 line 62-col. 5 line 28 and col. 6 lines 62-67 – the method is performed in response to a fault occurring), generating fault report data (col. 4 line 62-col. 5 line 28 – fault reports are generated) indicating whether the change of operational status of the first device was caused internally within the monitored device (col. 5 lines 18-20) or externally by another device connected to the monitored device (col. 5 lines 21-28).

Regarding claim 26:

Canady teaches wherein the fault report data includes an indication of the operational status of the monitored device in col. 5 lines 36-42.

Regarding claim 27:

Canady teaches wherein, if the fault report data indicates that the change of operational status of the monitored device was caused externally (col. 5 lines 21-28), generating fault direction information indicative of a connection from which the external fault is perceived (col. 5 lines 21-28 and lines 36-42 – the fault report data indicates the faulty path causing the error).

Regarding claim 28:

Canady teaches wherein the operational status of the monitored device is one of:

Art Unit: 2113

up, indicating no fault (col. 4 lines 60-62), degraded, indicating that the monitored device is still operational but with impaired performance (col. 5 lines 23-24 – parity errors and CRC errors indicate path faults while the path is still operational), or down, indicating that the monitored device is not operational (col. 5 lines 18-19).

Regarding claim 29:

Canady teaches determining the operational status of the monitored device is from at least one of:

a time to respond to a command (col. 4 line 60-col. 5 line 3 and col. 5 lines 19-20), an amount of data communicated via an I/O bus, an amount of data processed by the monitored device, whether information is being correctly processed (col. 5 lines 23-24), or from an error interrupt signal generated by the monitored device (col. 6 lines 62-67).

Regarding claim 30:

Canady teaches analyzing generated fault report data for one or more of the monitored devices to determine a faulty one of the plurality of devices (col. 5 lines 33-35).

Regarding claim 31:

Claim 31 is rejected as the computer readable medium containing computer executable instructions that, when executed, provide a plurality of device drivers that perform the method of claim 25.

Regarding claim 32:

Canady teaches a processor in Fig. 2 – the application cards, unit controllers and system managers all comprise processors.

Canady teaches a memory coupled to the processor, wherein the memory comprises program instructions configured to implement (col. 4 lines 21-32 – the cards and controllers each contain software, which therefore necessitates a memory):

a plurality of device drivers (col. 4 lines 21-32 and lines 40-49 – the software allows communication and management with the various devices, which therefore makes the software equivalent to a device driver. The software on the system managers represent one plurality, the software on the unit controllers represent another plurality and the software on the application cards represent a third plurality of device drivers), each operable to:

monitor an operational status of one of a plurality of devices (col. 4 line 62-col. 5 line 28 and col. 6 lines 62-67),

generate operational status information from at least one of:

a number of memory accesses performed, a time taken to respond to a command (col. 4 line 60-col. 5 line 3 and col. 5 lines 19-20), and an amount of data processed; and

consequent upon a change in the operational status of the monitored device (col. 4 line 62-col. 5 line 28 and col. 6 lines 62-67 – the method is performed in response to a fault occurring), to generate fault report data (col. 4 line 62-col. 5 line 28 – fault reports are generated) indicating whether the change of operational status of the first device was caused internally within the monitored device (col. 5 lines 18-20) or externally by another device connected to the monitored device (col. 5 lines 21-28).

Response to Arguments

Applicant's arguments filed 10/31/05 have been fully considered but they are not persuasive.

Regarding applicant's argument, from pages 8-9, that Canady does not teach environment data representative of values of a sensor associated with a device, the examiner disagrees. As is seen in the reference, the data to which the examiner is referring includes many types of data. This data includes, for example, the location of a fault detector. The fault detector is clearly a sensor. The other data, including, for example, fault type, clearly represents a parameter of the at least one sensor. Environment data is clearly defined in the claim as data that is representative of at least one parameter value of the sensor. Therefore the data mentioned in the reference, i.e. fault type, which are parameter values of a sensor associated with the monitored device are clearly environment data as required by the limitation of the claim at issue.

Regarding applicant's argument, from page 9, that Canady fails to disclose determining an operational status from a time taken to respond to a command, the

examiner respectfully disagrees. Applicant argues that the citation to the heartbeat teaching of Canady does not meet this limitation. The examiner respectfully disagrees. Canady clearly states that the heartbeats are sent out periodically and that if a response to a heartbeat is not received, a fault is detected. The fact that the heartbeats are periodic in nature necessitates that a response to a heartbeat must be received within the time between heartbeats. Thus, if a heartbeat is not received in the allotted time between heartbeats, a fault is detected. This fault, therefore, clearly represents a change in operational status that is detected based on a time taken to respond to a command.

Applicant further argues that the timing faults cited by the examiner are faults caused by a defective timing circuit and mentions only that faults are detected when they spawn other errors in a telecommunication system. The examiner respectfully disagrees. The lines cited by applicant are teachings from the background of the invention, and thus clearly represent teachings of the prior art and not necessarily the function of Canady's invention. Furthermore, the examiner asserts that these lines are taken out of context. Canady does not state that the timing faults are solely the function of a defective timing circuit, nor does Canady teach that the faults are only detected when they spawn other errors. In fact, Canady merely teaches that a defective timing circuit is one possible example of a cause of a timing fault. In addition, Canady merely states that a timing fault may spawn other errors, thus causing multiple errors that could be traced back to the timing fault. This is not a teaching that the timing fault is detected when the other errors are spawned. It is a teaching that further errors, in addition to the

previously detected timing fault, may be detected that are caused by the timing fault.

This is the basis of the aspect of Canady's invention involving fault suppression.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2113

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md


ROBERT BEAUSOLEIL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100